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October 2, 2017

Honorable Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Tommy Constantine
Criminal Docket No. 13 CR 607(S-2) (JFB)

Dear Judge Bianco:

Please accept this letter application requesting an additional week to respond to the defendant Tommy Constantine's (the "Defendant") application for a new trial accusing me of ineffective assistance of counsel.

I apologize for requesting the additional time, but the extent of the allegations and need to review "all" my files and boxes of records, reflecting the full extent of my preparation and representation of the Defendant, necessitates this application to complete my response. I have spent more than 7-8 full days over the last three weeks working on my answer, and have already completed a substantial portion of my answer. But last week I realized that in order to properly respond to several of the multiple accusations and obtain corroborating evidence of my assertions, I needed access to our defense exhibits, portions of my trial notes, and important exhibits for the Court's consideration of the issues, including the written questions the Defendant submitted to Kenner that led to Kenner's perjured testimony ("Defendant's Letter"). Andrew Olivares (co-counsel) has the defense exhibits, and may have the missing

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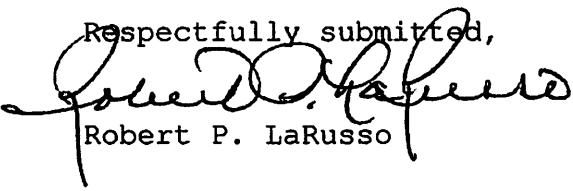
files and Defendant's Letter. After trial, Olivares and I removed the multiple boxes of records from the courtroom. I reached out last week to Olivares' attorney to obtain the defense exhibits which I knew are in his possession, and, also requested access to the files to determine if Olivares has the missing trial notes and Defendant's Letter. Olivares' attorney advised that his client is in drug rehabilitation until October 15, 2017, but a lawyer-friend has access to Olivares' records, and may be able to assist us in obtaining the defense exhibits and the other documents.

With the Court's permission, I am requesting a week, which should be sufficient time to obtain the missing records and complete my response. In regard to Olivares' files, even if he cannot locate "all" the exhibits and the Defendant's Letter, I will file my response in one week, October 10, 2017, and, with the Court's permission supplement my answer if necessary after Olivares is released from the drug program.

Considering my other professional commitments and the necessity of accurately responding to the defendant's accusations, I am respectfully requesting an additional week until October 10, 2017, to submit my affidavit to the Court and the parties.

Thank you very much for your consideration of this application.

Respectfully submitted,


Robert P. LaRusso

cc: J. Matthew Haggans
Assistant U.S. Attorney
(ecf)

Glenn A. Obedin, Esq.
(ecf)

Request granted.


Joseph F. Bianco
USDJ
Date: Oct. 2 2017
Central Islip, N.Y.